

LOUIE ALEXANDER,

Plaintiff,

-vs-

OPELIKA CITY BOARD OF EDUCATION,

Defendant.

Case No. 3:06-cv-498-WKW

## **REPORT OF RULE 26(f) PARTIES' PLANNING MEETING**

Pursuant to Fed.R.Civ.P. 26(f), a meeting was held between counsel for the parties on \_\_\_\_\_ day, August \_\_\_\_, 2006, at \_\_\_\_:\_\_\_\_ a.m./p.m., via telephone, and now submit the following Report of that meeting to the Court for its consideration.

1. The meeting was attended by:
  - a. Gregg L. Smith for Plaintiff Alexander;
  - b. James R. Seale and Elizabeth Brannen Carter for the Defendant Opelika City Board of Education.
2. Pre-discovery disclosures. The parties will exchange by January 15, 2007, the information required by Local Rule 26.1(a)(1).
3. Discovery Plan: The parties jointly propose to the Court the following discovery plan:
  - a. Discovery will be needed on the following subjects: all matters raised in the Complaint, any amendments to the Complaint and any Answer;
  - b. All discovery commenced in time to be completed by May 30, 2007;
  - c. Maximum of 40 interrogatories by each party to any other party. Responses due 30 days after service;
  - d. Maximum of 40 requests for production by each party to any other party. Responses due 30 days after service;
  - e. Maximum of 25 requests for admission by each party to any other party. Responses due 30 days after service;
  - f. Maximum of 5 depositions by Plaintiff and 5 depositions by Defendant, unless otherwise agreed to by the parties;

## **EXHIBIT C**

g. Each deposition, other than that of the parties, limited to a maximum of 7 hours, unless otherwise agreed to by the parties. Parties' depositions limited to a maximum of 7 hours, unless otherwise agreed to by the parties;

h. Reports from retained experts under Rule 26(a)(2) due:

- (1) from Plaintiff by February 1, 2007; and
- (2) from Defendant by March 1, 2007; and

i. Supplementations under Rule 26(e) a reasonable time after discovery.

4. Other matters.

a. The parties do not request a conference with the Court before entry of the Scheduling Order;

b. Plaintiff should be allowed until March 1, 2007 to join additional parties and until April 1, 2007 to amend the pleadings;

c. Defendant should be allowed until April 1, 2007 to join additional parties and until May 1, 2007 to amend the pleadings;

d. All potentially dispositive motions should be filed by April 6, 2007;

e. Settlement cannot be realistically evaluated prior to April 1, 2007;

f. The parties request a final pretrial conference in July, 2007;

g. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due:

- (1) from Plaintiff: 30 days before trial; and
- (2) from Defendant: 30 days before trial.

h. Parties should have until no less than 14 days prior to trial to list objections to witnesses and exhibits under Rule 26(a)(3); and

i. The case should be ready for trial by August 20, 2007, and is expected to take approximately 2-3 days.

Plaintiff's counsel has not suggested ADR. At this point, Defendant is not inclined to attempt ADR. The positions of the parties may change over the coming weeks or months. The parties will inform the Court in a timely manner as to any change in either of their respective positions regarding ADR.

The undersigned attests that Gregg L. Smith has agreed to the foregoing and has authorized me to execute and electronically file this document on his behalf.

LOUIE ALEXANDER, Plaintiff,

OPELIKA CITY BOARD OF EDUCATION,  
Defendant,

By: /S/ Gregg L. Smith

Gregg L. Smith ( )  
4905 Branch Mill Circle  
Birmingham, Alabama 35223  
(205) 956-0101  
(205) 956-0113 - fax  
E-mail: greggsmith@bellsouth.net  
Counsel for Plaintiff

By: /S/ James R. Seale

James R. Seale (3617-E-68J)  
Elizabeth Brannen Carter (3272-C-38E)  
HILL, HILL, CARTER,  
FRANCO, COLE & BLACK, P.C.  
Post Office Box 116  
Montgomery, Alabama 36101-0116  
(334) 834-7600  
(334) 263-5969 - fax  
E-mail: jrs@hillhillcarter.com  
E-mail: ecarter@hillhillcarter.com  
Counsel for Defendant  
wwm/6630.0167/g:Report of Rule 26(f) Planning Meeting.wpd